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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,587

12/28/2004

Michael Weber

PD020057

3088

24498

7590

12/10/2008

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EXAMINER

NOONAN, WILLOW W

ART UNIT

PAPER NUMBER

2446

MAIL DATE

DELIVERY MODE

12/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/519,587	<b>Applicant(s)</b> WEBER, MICHAEL	
	<b>Examiner</b> Willow Noonan	<b>Art Unit</b> 2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. The instant application having Application No. 10/519,587 has a total of 14 claims pending in the application; there are 2 independent claims and 12 dependent claims, all of which are ready for examination by the examiner. There are 16 cancelled claims and 14 new claims.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 7-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lea** ("Networking Home Entertainment Devices with HAVi") in view of **Gibbs** (U.S. Patent No. 6,169,725).

Regarding claims 17 and 19, Lea teaches a sink device with a local display (see Lea, p. 37, *Device Classification*) for connection to a digital IEEE 1394 network (see Lea, p. 35, *Supporting Technologies*). Lea further teaches that the device may have a means for displaying a user interface for controlling a data source device connected to the network. See Lea, p. 42, col. 1. Lea also teaches that the device has a means for controlling network resource allocation and for automatically establishing, upon selection of a function of the source device by the user through the user interface, a

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connection between the data source device and the data sink device. See Lea, p. 42, col. 1 (“Also, on the basis of the network device's streaming capabilities, the local stream manager can set up and tear down isochronous connections between different devices.”). Lea teaches that said sink device may have playback capability of the data of the source device (e.g., DTV receiver). See Lea, p. 37, *Device Classification*.

Lea does not explicitly teach automatically establishing a connection between the data source device and the data sink device. However, Gibbs teaches automatically establishing connections between source and sink devices in a home audio/video network. See Gibbs at col. 2-3 (“The present invention automatically maintains and manages the internal connections for each of the devices on the network.”); Gibbs at col. 12, paragraph 1 (“In step 805, the DCM updates the status of the internal connections. Next, the stream manager(s) within the devices add or drop the appropriate connections, step 806.”). It would have been obvious to one of ordinary skill to use Gibbs’ technique with the teaching of Lea because Gibbs teaches that automatically establishing connections, transparent to the user, minimizes the effort and knowledge required by the user. See Gibbs at col. 2, lines 54-61.

Regarding claim 18, Lea teaches that the connection is an isochronous transmission connection comprising allocation of a channel of bandwidth. See Lea, p. 42, col. 1.

Regarding claim 20, Lea teaches that the function can be a playback function. See Lea, p. 40, *DDI Controller*, “play button.”

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Regarding claim 21, Lea teaches that the source device may comprise a data generation means adapted to the continuous output of data. See Lea, p. 39, col. 1, *Stream Manager*.

Regarding claim 22, Lea teaches that said function is a selection function of the source device. See Lea, p. 40, *DDI Controller*.

Regarding claim 23, Lea teaches that the device further comprises memory for storing software (see Lea, p. 36, col. 1, “acts as a host for a controlled device by running a software proxy”) downloaded from the source device (see Lea, p. 36, col. 2, “uploaded DCM originates from an external source”, p. 40, col. 2, “can extract this havlet from the DCM, . . . and load and execute the havlet”) wherein said software is adapted to control the automatic establishment of the connection between the source device and the sink device (see Lea, p. 36, col. 1, “specifies communication between it and the DCM”) and wherein the user interface is derived from said software (see Lea, p. 40, col. 1, *DDI Controller*).

Regarding claim 24, Lea explicitly teaches that the software is a HAVi Havlet and the network is a HAVi network. See Lea, p. 40, col. 2.

Regarding claims 25 and 29, Lea teaches a method for setting up a data stream connection in a digital network comprising a source device and a sink device, said method comprising the steps of:

executing a user interface on the sink device;

selecting a function of the source device through the user interface,

characterized by the step of establishing a connection for data transmission from the

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data source device to the data sink device, wherein said sink device has playback capability of the data of the source device. See Lea, p. 41, col. 2, *A home network shell*.

Lea does not explicitly teach automatically establishing a connection between the data source device and the data sink device. However, Gibbs teaches automatically establishing connections between source and sink devices in a home audio/video network. See Gibbs at col. 2-3 ("The present invention automatically maintains and manages the internal connections for each of the devices on the network."); Gibbs at col. 12, paragraph 1 ("In step 805, the DCM updates the status of the internal connections. Next, the stream manager(s) within the devices add or drop the appropriate connections, step 806."). It would have been obvious to one of ordinary skill to use Gibbs' technique with the teaching of Lea because Gibbs teaches that automatically establishing connections, transparent to the user, minimizes the effort and knowledge required by the user. See Gibbs at col. 2, lines 54-61.

Regarding claim 26, Lea further teaches that the user interface may be derived from software downloaded by the sink device from the source device. See Lea, p. 40, *The havi.ui package*, p. 41, col. 2, "instantiate the DCM's havlet."

Regarding claim 27, Lea explicitly teaches that the software is a HAVi Havlet and the network is a HAVi network. See Lea, p. 40, col. 2.

Regarding claim 28, Lea teaches that the downloaded software controls the establishment of the connection. See Lea, p. 42, col. 1, "instantiate the DCM's havlet,"

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p. 36, col. 1, “vendor of the controlled device specifies communication between it and the DCM.”

Regarding claim 30, Lea teaches that the function can be a playback function (see Lea, p. 40, *DDI Controller*, “play button”) and that the source device may comprise a storage means (see Lea, p. 35, col. 1, paragraph 1).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willow Noonan whose telephone number is (571)270-

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1322. The examiner can normally be reached on Monday through Friday, 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. N./

Examiner, Art Unit 2446

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446